Maharashtra Regional and Town Planning Act, 1966
Directions under section 154 of ..
Regarding utilisation of TDR on existing buildings

GOVERNMENT OF MAHARASHTRA
Urban Development Department
Mantralaya, Mumbai 400 032

Dated 21st August, 2004.

No. TPB.4303/49/CR-4/UD-11:

ORDER

Development Control Regulations for Greater Mumbai, 1991 (hereinafter referred to as the 'said Regulations) have been sanctioned by Government under section 31 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as the 'said Act") vide Government in Urban Development Department Notification No. DCR.1090/RDP/UD-11 dated 20th February 1991 to come into force with effect from 25th March 1991.

Regulation 34 read with Appendix VII of the said regulations lay down the terms and conditions for grant of Transferable Development Rights (TDRs) to the owners / developers/ TDR is being awarded in the form of Floor Space Index (FSI) by way of a Development Rights Certificate (DRC), which the owner/developer may use himself or transfer to any other persons.

Clause 10 and 11 of Appendix VII further spells out restrictions upon utilisation of DCR in some specified areas. It has been experienced that TDR is being used substantially for vertical extension of existing buildings located in the suburbs and extended suburbs and such redevelopment is being permitted with concession in marginal open spaces. Further while carrying out such redevelopment for vertical expansion RCC columns are being erected in the marginal open spaces, which ultimately reduces the effective width of marginal open spaces.

Such reduction in marginal open spaces ultimately adversely hampers the movements of the residents, vehicular circulation etc. This issue has been considered by a Study Group appointed by Government under the Chairmanship of the Chief Secretary to examine the issue of high rise buildings in Mumbai. The Study Group has since submitted its report to Government, which has been, accepted by the Government. In its report the Study Group has expressed grave concern about utilisation of TDR for carrying out vertical expansion of existing buildings, which amounts to reduction in marginal open spaces.

Considering the recommendations of the Study Group in this regard, I am directed to issue following directions to the Municipal Corporation of Greater Mumbai, Slum Rehabilitation Authority and other concerned authorities under section 154 of the said Act:

(i) Development proposals involving loading TDR or utilising balance FSI on existing buildings should be scrutinised very carefully and it should be ensured that the existing building has been structurally designed to take up the additional load.

(ii) No vertical expansion of existing buildings by loading TDR or by utilising balance FSI, should be permitted, which erection of columns in the available marginal open spaces.

(iii) While permitting horizontal expansion of buildings by way of loading TDR or by utilising balance FSI, it should be ensured that the foundation of the existing building is not adversely affected.

By order and in the name of the Governor of Maharashtra,

(S. R. Kini)
Under Secretary to Government

To:

The Municipal Commissioner,
Municipal Corporation of Greater Mumbai,
Mumbai.

Copy to:

The Director of Town Planning, Maharashtra State, Pune
The Deputy Director of Town Planning, Greater Mumbai, ENSA Hutments, Azad Maidan, Mumbai
Select file
Section 154 file.